

REMARKS

Responding to the Official Action of March 13, 2002, Applicant amends the above-identified application through the rewriting of claim 1, 4 and 6. Claim 7 has been cancelled. In the Official Action, all 7 claims were rejected.

An objection was made to the drawings as the subject matter of claim 4 was not found therein. Claim 4 has been amended to reflect subject matter which is found in the drawings and the objection is believed obviated.

Claim 3 was rejected in the Official Action as being indefinite. Claim 3 has now been rewritten to eliminate the range in favor of a stated percentage and claim 6 has also been reformed to provide another stated percentage. Consequently, it is believed that the rejection under 35 U.S.C. 112 has also been obviated.

All of claims 1 through 7 were rejected as anticipated by Uyehara, U.S. Patent No. 4,662,552. Claim 1 has been amended to address this rejection by incorporating the feature of previous claim 6 wherein the means for attachment comprises a flexible loop.

The device of Uyehara discloses a holder for side handle batons and comprises a base support 20 provided with slots for attaching the base support to a belt worn by the user. The base support is attached to the belt through the two slots so that it is fixed relative to the belt. A sleeve member 30 is attached to the base support by a bolt 24 to a boss 35 molded in the sleeve so that the sleeve can be rotated. A frictional force is provided by Bellville springs 39 so that the sleeve will hold any attitude to which it has been set. In addition the device of Uyehara includes sockets 40 and 40 into which the

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side handle of the baton is inserted and which grip the side handle of the baton to retain the baton in the holder.

The device of the present invention is a holder for tools such as drills/drivers and is attached to the user through a flexible loop which may be attached to a belt or other clothing or equipment worn by the user. The device is not rigidly attached to the user and, because the loop is flexible, the device is free to move under the influence of gravity and so will naturally take up a substantially vertical position, particularly with the weight of the tool in the holder, independent of any movement of the user. This means that tool will remain in the holder under its own weight without the need to provide additional clips or retaining means to secure the tool in the holder when the user is moving about.

The device of Uyehara will maintain the baton in a given attitude but because the device is attached substantially rigidly to the users belt if the user moves so that his body is no longer substantially vertical, e.g, while bending or climbing, then the device and the baton will move with the user and will not maintain a vertical orientation. It is therefore necessary to provide sockets 40, 41 or other means to physically retain the baton in the holder.

In contrast the holster of the present invention will safely retain the tool without the need for a means to restrain the tool in the holder however the user moves. This is of advantage to workmen using such tools because it means that the tool will not fall from the holder should they need to climb or bend, as they frequently do. In addition it also means that the tool can be quickly and easily removed from the holder without the need to undo or force against some restraining means so that insertion and removal of

the tool from the holder can be accomplished with one hand which is an advantage as they often need to use a hand to support or manipulate the item that they are working on at the same time.

With regard to the other prior art cited by the Examiner, none of the prior art teaches or suggests the use of a flexible loop as an attachment means but rather provide a rigid attachment means so that the holder will move with the body of the user and would not be suitable as a tool holder without additional means to secure the tool in the holder.

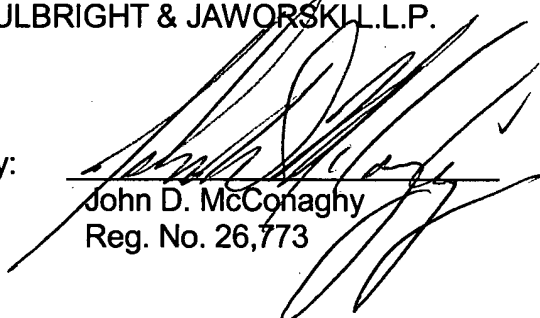
Accordingly, all objections and rejections are believed to be obviated by the foregoing amendments. Consequently, a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Marked-up Version Showing Changes:

Claims 1, 4 and 6 amended as follows:

1. (Amended) A holster for a tool of the type comprising a body portion and a handle portion which projects from the body portion in a direction generally perpendicular to the central axis of the body portion characterized in that the holster comprises a tubular body portion having open top and bottom ends sized to receive the body portion of a tool, the tubular body portion having an elongate cutaway section extending along at least 50% of the length of the tubular body portion from the top edge and sized to receive the handle of the tool, and means for attachment of the holster to a user including a flexible loop which [means] allows the holster to maintain a vertical or substantially vertical alignment when attached to the user.

4. (Amended) A holster according to claim 1 wherein the cutaway section [is flared outwardly at its upper edge] extends for at least 80% of the length of the tubular body portion.

6. (Amended) A holster according to claim 1 wherein the [attachment means comprises a flexible loop] cutaway section extends for at least 90% of the length of the tubular body portion.

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